



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20226

Number: 75-2

Date: January 23, 1975

APPROVAL OF DISTINCTIVE LIQUOR BOTTLES

Proprietors of Distilled Spirits Plants,
Manufacturers of Liquor Bottles,
Importers, Wholesale Liquor Dealers,
and Others Concerned:

Purpose. The purpose of this circular is to notify industry members that an ATF Ruling will be published in an early issue of the ATF Bulletin regarding "Certain Distinctive Liquor Bottles Illustrating Individual Athletes of Public Prominence." The ruling will read as follows:

It has been brought to the attention of the Director, Bureau of Alcohol, Tobacco and Firearms that the ever-increasing association of athletes with distilled spirits via distinctive liquor bottles and labels may be misleading to the consumer and thereby be in violation of certain provisions of the Federal Alcohol Administration Act and related regulations.

Under the provisions of 27 U.S.C. 205(e), it is unlawful to sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or to receive therein, or to remove from customs custody for consumption, any distilled spirits, wine or malt beverages in bottles, unless such products are bottled, packaged, and labeled in conformity with such regulations, to be prescribed by the Director, with respect to packaging, marking, branding, and labeling and size and fill of container as will prohibit deception of the consumer with respect to such products or the quantity thereof. Implementing regulations, 27 CFR 5.42, state in pertinent part that bottles containing distilled spirits or any labels on such bottles, or any written, printed, graphic, or other matter accompanying such bottles to the consumer shall not contain any statement, design, device, irrespective of falsity, which the Director finds to be likely to mislead the consumer.

In an effort to prevent any misleading impressions resulting from the association of athletes with distilled spirits, it is held under the provisions of 27 CFR 5.42 that depictions of individual athletes of public prominence (locally or nationally) on liquor bottles or the labels on such bottles are misleading, in that they convey the erroneous impression that the consumption of the product contained therein is conducive to the development of athletic prowess or success in a particular

athletic endeavor. Athletic endeavors as described above shall include activities which require physical strength, skill, stamina, speed and agility, such as, football, baseball, basketball, hockey, golf, tennis, etc., but shall not include recreational activities which are usually noncompetitive, such as, fishing, hunting, hiking, etc. Accordingly, official notice is hereby given that the packaging of distilled spirits in containers shaped as, or bearing illustrations of, identifiable athletes (such as simulation of a numbered uniform), is prohibited. Applications for the approval of distinctive liquor bottles under the provisions of 26 CFR 201.540(e), 250.315, and 251.205, and applications for label approval under 27 CFR 5.51 and 5.55 will not be approved if such bottles are so shaped or if they or their labels bear such illustrations.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to the Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N. W., Washington, D. C. 20226.

William R. Thompson

for Rex D. Davis
Director

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D. C. 20226

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